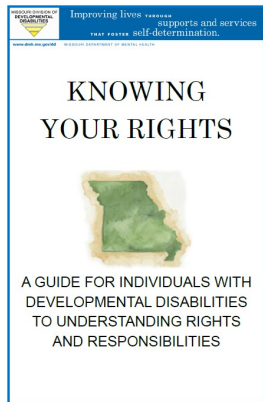


My Rights have been
reviewed with me
by:

My Name:

My Signature:



Improving lives THROUGH supports and services
THAT FOSTER self-determination.

www.dmh.mo.gov/dd

MISSOURI DEPARTMENT OF MENTAL HEALTH

KNOWING YOUR RIGHTS



A GUIDE FOR INDIVIDUALS WITH
DEVELOPMENTAL DISABILITIES
TO UNDERSTANDING RIGHTS
AND RESPONSIBILITIES

About this Guide

This booklet is a guide to help you and those who support you to understand your individual rights and responsibilities.

For more information about your rights visit:
dmh.mo.gov/constituentservices/rights.html

Rights and protections for people who receive services from the Missouri Division of Developmental Disabilities can be found in the following laws, rules and regulations:

- [Missouri Revised Statute 630.115.1](#)
Patient's entitlements
- [Missouri Revised Statute 475.361](#)
Rights of Wards
- Missouri Code of State Regulations
Rules of the Department of Mental Health
Division of Developmental Disabilities
[9 CSR 45-3.030](#) Individual Rights
- Code of Federal Regulations [42CFR 441.301\(c\)\(1\)](#) Home and Community-Based Waiver Services (**HCBS**)

Authority for each right and protection can be found in a blue box like this.

If you believe any of these rights have been violated, you may file a grievance with the agency providing your supports.

In addition to filing a complaint or grievance with the agency providing support you may file an complaint to:

**Office of Constituent Services
Department of Mental Health**

P.O. Box 687

Jefferson City, Mo 65102

Call toll-free at 1-800-364-9687

Email: constituentsvcs@dmh.mo.gov



Improving lives THROUGH supports and services
THAT FOSTER self-determination.

DUE PROCESS... Cont.

- Before your rights and services can be limited or taken away, you have the right to be heard or to have someone you choose speak for you.
- Any proposed limitations of rights must be reviewed by DMH Regional Office or State Operated Programs Due Process Committee to ensure that a person's rights are adequately protected.

Authority

9 CSR 45-3.030(3) An individual's rights as outlined in section one (1) may not be restricted, including, but not limited to, by a provider of targeted case management or home and community based services, without due process. Due process under this provision includes the right to be notified and heard on the limitation or restriction, the right to be assisted through external advocacy if an individual disagrees with the limitation or restriction, and the right to be informed of available options to restore the individual's rights.

42CFR 441.301(c)(2)(xiii)(F) Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan. The following requirements must be documented in the person-centered service plan: (1) Identify a specific and individualized assessed need.(2) Document the positive interventions and supports used prior to any modifications to the person-centered service plan.(3) Document less intrusive methods of meeting the need that have been tried but did not work.(4) Include a clear description of the condition that is directly proportionate to the specific assessed need.(5) Include regular collection and review of data to measure the ongoing effectiveness of the modification.(6) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.(7) Include the informed consent of the individual.(8) Include an assurance that interventions and supports will cause no harm to the individual..

The “Missouri Quality Outcomes” make sure people are supported to have a good life. This guide is organized by the following Missouri Quality Outcomes:



Daily Life

People Participate in Meaningful Daily Activities of Their Choice



Community Living

People Live in Communities They Choose, with Whom They Choose and in Homes and Environments Designed to Meet Their Needs



Social & Spirituality

People Are Active Members of Their Communities While Determining Valued Roles and Relationships through Self-Determination



Healthy Living

People Are Able to Choose Health/Mental Health Resources and Are Supported in Making Informed Decisions regarding their Health and Well-Being



Safety & Security

People are Educated about Their Rights and Practice Strategies to Promote Their Safety and Security



Citizenship & Advocacy

People Have Opportunities to Advocate for Themselves, Others and Causes They Believe In, including Personal Goals and Dreams

*Icons taken from www.lifecoursetools.com, a free online resource from Missouri Family to Family © UMKC Institute for Human Development, UCEDD 2012-2017

In August of 2018 new guardianship laws were passed in Missouri. The laws now include rights of wards. You are a 'ward' if there is a court order for someone to be your guardian. Along with the other rights in this book you also have the following rights under [Missouri Revised Statute 475.361](#)

Wards, rights of. —

1. The provisions of section 475.078 notwithstanding to the contrary, in every guardianship, the ward has the right to:

- (1) A guardian who acts in the best interests of the ward;*
 - (2) A guardian who is reasonably accessible to the ward;*
 - (3) Communicate freely and privately with family, friends, and other persons other than the guardian; except that, such right may be limited by the guardian for good cause but only as necessary to ensure the ward's condition, safety, habilitation, or sound therapeutic treatment;*
 - (4) Individually or through the ward's representative or legal counsel, bring an action relating to the guardianship, including the right to file a petition alleging that the ward is being unjustly denied a right or privilege granted by this chapter, including the right to bring an action to modify or terminate the guardianship under the provisions of section 475.083;*
 - (5) The least restrictive form of guardianship assistance, taking into consideration the ward's functional limitations, personal needs, and preferences;*
 - (6) Be restored to capacity at the earliest possible time;*
 - (7) Receive information from the court that describes the ward's rights, including rights the ward may seek by petitioning the court; and*
 - (8) Participate in any health care decision-making process.*
- 2. An adult ward may petition the court to grant the ward the right to:*
- (1) Contract to marry or to petition for dissolution of marriage;*
 - (2) Make, modify, or terminate other contracts or ratify contracts made by the ward;*
 - (3) Consent to medical treatment;*
 - (4) Establish a residence or dwelling place;*
 - (5) Change domicile;*
 - (6) Bring or defend any action at law or equity, except an action relating to the guardianship; or*
 - (7) Drive a motor vehicle if the ward can pass the required driving test.*

3. The appointment of a guardian shall revoke the powers of an agent who was previously appointed by the ward to act as an agent under a durable power of attorney for health care, unless the court so orders.

4. The appointment of a guardian is not a determination that the ward lacks testamentary capacity.

(L. 2018 S.B. 806)

DUE PROCESS...

- When you apply for services, you will receive a copy of your rights. If any changes in your services are made, you will receive a new copy of your rights.
- The agencies that have staff who work with you have rules to provide you with quality help. They have rules to make sure you learn and understand your rights, and that no one takes your rights away before you have a chance to speak for yourself or have someone you choose speak for you.
- You have the same legal rights and responsibilities as any other person unless the court says you do not.
- You have the right to get help. You cannot be denied help because of your race, religion, disability, or age. It does not matter if you are a man or woman, married or single.

RIGHT...

You can choose someone to help you make decisions or act in your behalf

RESPONSIBILITY...



To choose someone who knows you well and you can trust



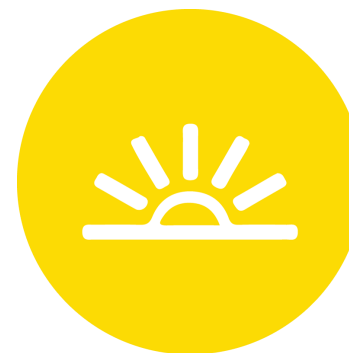
Authority

9 CSR 45-3.030(2) Adults who do not have a legal guardian have the right to designate a representative to act on one's behalf for purposes of receiving services from the Division of DD.

9 CSR 45-3.040(1)(A) Designated representative—a parent, relative, or other person designated by an adult who does not have a guardian. The designated representative may participate in the person-centered planning process and development of the individual support plan, at the request of, and as directed by, the individual.

9 CSR 45-3.040 (4) Adults who have not been declared legally incapacitated may give their written consent for parents, relatives, or other persons to serve as their designated representative to advocate for and advise, guide, and encourage the individual and members of the individual support plan team in developing and implementing individual support plans. Written consent for designated representatives shall include written authorization to disclose protected health information.

9 CSR 45-3.040(4)(C) Individuals may revoke their consent in writing at any time and the Division of DD and all parties responsible for the implementation of the ISP shall recognize the revocations immediately.



Daily Life & Employment

What a person does as part of everyday life – school, employment, volunteering, communication, routines, life skills.

RIGHTS...



Control your
personal money



RESPONSIBILITY...



Pay your bills
and manage
your
money

Authority

630.110. 1. (2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;

42 C.F.R. § 441.301(c)(4)(i)-Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan: (i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

RIGHT...



To be told how to
make a complaint
and be helped to do
so without being
afraid some will be
upset with you.

RESPONSIBILITY...

To make a
complaint to
the right
people



Authority

9 CSR 45-3.030(1)(R) To report any violation of one's rights free from retaliation and without fear of retaliation; and

9 CSR 45-3.030(1)(S) To be informed on how to make an inquiry, file a complaint or report a violation of one's rights, and to be assisted in these processes, if requested



RIGHT...



To receive services regardless of race, creed, marital status, national origin, disability, religion, sexual orientation, gender, or age.

RESPONSIBILITY...



To contact the Office Constituent Services if you have a complaint.

Authority

9 CSR 45-3.030(1)(C) To receive services regardless of race, creed, marital status, national origin, disability, religion, sexual orientation, gender, or age;

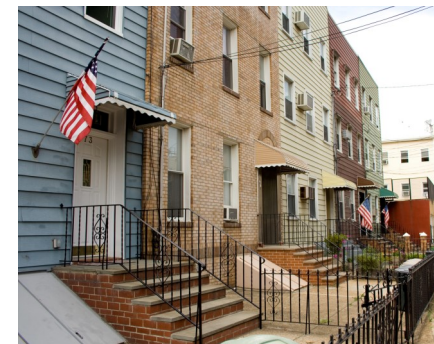
RIGHT...

To have a job and make money



RESPONSIBILITY...

To keep a job, so you can live the way you want



Authority

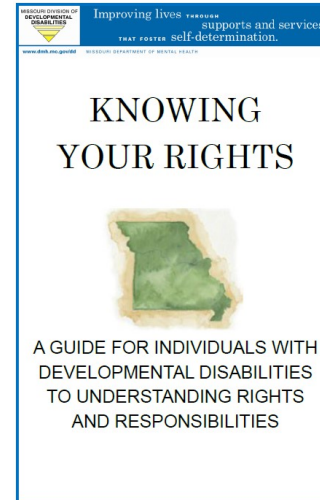
630.115. 1.(4) To not participate in nontherapeutic labor;
9 CSR 45-3.030(1)(M) To seek employment and work in competitive integrated settings;
42 C.F.R. § 441.301(c)(4)(i)-Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan: (i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

RIGHT...



To keep
things of
your own

RIGHT...



To have rules and
policies in an
accessible format and
explained to you in a
way you can
understand

RESPONSIBILITY...

To take care
of your
things



RESPONSIBILITY...



To ask for the
information in a
format that best
meets your needs

Authority

630.110. 1. (1) To wear his own clothes and to keep and use his own personal possessions;

Authority

9 CSR 45-3.030(1)(F) To have access to all rules, policies, and procedures governing the operations of the Division of DD in an accessible format, and to have those rules, policies, and procedures explained in a manner that is easily understood;

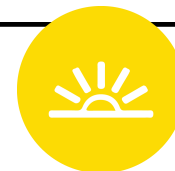
RIGHT...

To see information about you in a way you can understand and for information about you to be kept private



RIGHT...

To have privacy spending time alone, to talk to who you want to privately.



RESPONSIBILITY...

To ask for information in a way you can understand



Authority

630.110. 1.(6) To have access to his mental and medical records;

9 CSR 45-3.030(1)(P) To have rights, services, supports, and clinical records regarding services explained in a manner that is easily understood and in an accessible format;

9 CSR 45-3.030(1)(Q) To have all of an individual's records maintained in a confidential manner;

RESPONSIBILITY...

To speak up when you want to be alone.



Authority

630.110.1. (3) To communicate by sealed mail or otherwise with persons including agencies inside or outside the facility;

630.110.1. (5) To have reasonable access to a telephone both to make and receive confidential calls;

9 CSR 45-3.030(1)(J) To communicate in any form and to have privacy of communications;

RIGHT...



To be able to see
current news
and media

RESPONSIBILITY...

To inform
yourself of what
is going on in the
world around
you



Authority

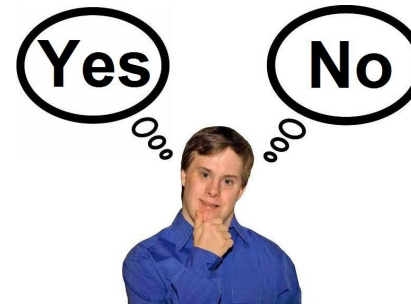
630.110.1. (8) To have reasonable, prompt access to current newspapers, magazines and radio and television programming.

RIGHT...



To choose who
helps you and to
say yes or no to
help and training

RESPONSIBILITY...



To educate
yourself about
services
available and
those who
provide services

Authority

630.115. 1.(6) To receive prompt evaluation and care, treatment, habilitation or rehabilitation about which he is informed insofar as he is capable of understanding;

9 CSR 45-3.030(1)(K) To accept or decline supports and services;

9 CSR 45-3.030(1)(L) To have freedom of choice among Division of DD approved providers;

RIGHT...

To lead my ISP
and invite
those who are
important to
me

**My
Plan**



RESPONSIBILITY...

To ask for the help
I need in order to
direct my planning
process and meet
timelines



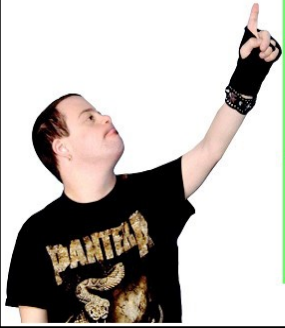
Authority

9 CSR 45-3.030(1)(H) To direct one's own person-centered planning process and to choose others to be included in that process;



Community Living

Where you live and
how you get around town



RIGHT...

To have a safe,
clean home and
to choose where
you want to live
and with who.

RESPONSIBILITY...



To keep your
house safe and
clean. To choose
a home that you
can afford and be
a good
housemate.

Authority

630.115. 1.(3) To safe and sanitary housing;

9 CSR 45-3.030(1)(G) Within one's financial means, to have a choice where to live and whether or not to share a home with other people;

RIGHT...

To be treated with
respect at all times
and treated as a
person like everyone
else under the law.



RESPONSIBILITY...

To treat others the
same way you want
to be treated, to be
responsible, not
breaking any laws



Authority

630.115.1.(1) To humane care and treatment;

9 CSR 45-3.030(1)(A) To be treated with respect and dignity as a human being;

630.115. 1.(7) To be treated with dignity as a human being;

9 CSR 45-3.030(1)(B) To have the same legal rights and responsibilities as any other citizen;



Vote



Citizenship & Advocacy

Building valued roles, making choices, setting goals, assuming responsibility, driving how one's own life is lived and supported decision-making.

RIGHT...



To reach my maximum independence and be part of the community

RESPONSIBILITY...

To ask for the help that you need



Authority

630.115. 1.(11) To be evaluated, treated or habilitated in the least restrictive environment;

9 CSR 45-3.030(1)(E) To receive services and supports to achieve the maximum level of independence;

9 CSR 45-3.030(1)(I) To participate fully in the community;



Social & Spirituality
 Friendships and relationships,
 leisure activities, personal networks,
 faith community.

RIGHT...



To be free from
 people hitting you,
 hurting you,
 yelling at you,
 saying hurtful
 things or
 restricting your
 movement

RESPONSIBILITY...

To tell someone if
 you feel you are



being hurt



Authority

630.115. 1.(15) To be free from verbal and physical abuse.

9 CSR 45-3.030(1)(D) To be free from physical, emotional, sexual, and verbal abuse, and financial exploitation;

9 CSR 45-5.010(3)(C)2.E Individuals have freedom of movement



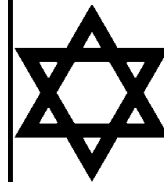
Safety & Security
Staying safe and secure—
emergencies, well-being,
legal rights and issues.

RIGHT...



To go to church or place
of worship of your
choice, or not to go to
church or place of
worship

RESPONSIBILITY...



To respect others
choice of worship



Authority

630.115. 1.(5) To attend or not attend religious services;

9 CSR 45-3.030(1)(O) To choose where to go to church or place of worship, or to refuse to go to a church or place of worship;

RIGHT...

To join in
groups and
activities
that you
choose



RIGHT...

To get meals
that are healthy
and good for you



RESPONSIBILITY...

To be a good
team player



RESPONSIBILITY...

To choose
foods that
help keep
you
healthy



Authority

630.110. 1.(7) To have opportunities for physical exercise and outdoor recreation;

Authority

630.115. 1.(14) To a nourishing, well-balanced and varied diet;

RIGHT...



To say “NO” to
being part of any
study, experiment
or medical
treatment

RESPONSIBILITY...

To ask for help to
make choices and
understanding
consequences



Authority

630.115. 1.(8) To not be the subject of experimental research without his prior written and informed consent or that of his parent, if a minor, or his guardian; except that no involuntary patient shall be subject to experimental research, except as provided within this chapter;

630.115. 1.(9) To decide not to participate or may withdraw from any research at any time for any reason*;

9 CSR 45-3.030(1)(N) To participate or decline participation in any study or experiment;

630.115. 1.(12) To not be subjected to any hazardous treatment or surgical procedure unless he, his parent, if he is a minor, or his guardian consents; or unless such treatment or surgical procedure is ordered by a court of competent jurisdiction;

630.115. 1.(13) In the case of hazardous treatment or irreversible surgical procedures, to have, upon request, an impartial review prior to implementation, except in case of emergency procedures required for the preservation of his life;

RIGHT...



To be friends
with both men
and women



RESPONSIBILITY...

To be respectful
of your friends
and choose
friends who will
respect you



Authority

630.110.1.(4) To receive visitors of his own choosing at reasonable times .



Healthy Living

Health care and staying well—
medical, mental health,
behavior, developmental, wellness,
and nutrition.

RIGHT...

To go to the
doctor, or hospital
when you need to,
as soon as you
need to



RESPONSIBILITY...

To listen to your
doctor and follow
their suggestions
or get a 2nd
opinion



Authority

630.115. 1.(2) To the extent that the facilities, equipment and personnel are available, to medical care and treatment in accordance with the highest standards accepted in medical practice;

630.115. 1.(10) To have access to consultation with a private physician at his own expense;